

MEMO ENDORSED

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

Michael Chiappetta
212.813.5963
mc@fzlz.com

September 29, 2010

BY EMAIL

The Honorable Richard J. Sullivan, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 640
New York, New York 10007
sullivanysdchambers@nysd.uscourts.gov

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Re: *Kilter Industries, Inc. v. Avon Products, Inc., et al.* - Case No. 09-cv-3490
(RJS)(MHD) (Out Ref. AVO USA TC 0701831)

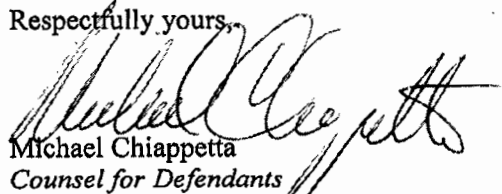
Dear Judge Sullivan:

We are counsel for defendants Avon Products, Inc. and Peter Waxman (collectively, "Defendants") in the above-captioned proceeding, and write with the consent of the undersigned counsel for plaintiff Kilter Industries, Inc., to request a one (1) week extension of the parties' respective deadlines to respond to outstanding written discovery.

Per the parties' August 31, 2010 Joint Letter to the Court, which was endorsed by Your Honor on September 1, 2010, the parties previously stipulated to a September 30, 2010 deadline to respond to outstanding written discovery. However, it appears that Defendants will be unable to meet this deadline. Avon is confident that one additional week will be sufficient to complete its written responses. This is the first request for an extension of this discovery response deadline.

The parties are cognizant of the Court's requirement that requests for extensions be submitted at least 48 hours prior to the scheduled deadline. Until yesterday evening, Defendants believed they would be able to meet the September 30, 2010 deadline. However, given their need to determine and confirm certain information necessary to provide accurate responses to Kilter's discovery requests, it has become necessary to make this request.

Respectfully yours,


Michael Chiappetta
Counsel for Defendants

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The request is granted. The deadline to respond to outstanding written discovery is extended to October 7, 2010. The other discovery deadlines set out in the Court's September 1, 2010 Order remain the same.

Submitted with the consent of:



Matthew A. Kaplan
Counsel for Plaintiff

SO ORDERED

Dated:

9/29/10



RICHARD J. SULLIVAN
U.S.D.J.

cc: Roger L. Zissu, Esq.
Matthew A. Kaplan (counsel for plaintiff) (by e-mail)
Toby M. J. Butterfield, Esq. (counsel for plaintiff) (by e-mail)